

1 Q When was it terminated?

2 A I don't recall the exact date, but it was prior to  
3 the end of 1999.

4 Q And was it terminated at the initiation of Reading  
5 Broadcasting, Inc. or Telemundo?

6 A Reading Broadcasting.

7 MR. COLE: Your Honor, I would like to present the  
8 witness with a document to see if this refreshes his  
9 recollection. It's a document which was turned over in  
10 discovery to us, or discovery to Reading Broadcasting, Inc.  
11 by Telemundo, and it's actually a compilation of three  
12 letters, but I'm primarily focusing the witness's attention  
13 on the first three pages, which are a letter dated October  
14 15, 1999, from Micheal L. Parker to Ann Gaulke of Telemundo  
15 Network, Inc.

16 BY MR. COLE:

17 Q And Mr. Parker, if you would just take a look at  
18 those three pages and see if that refreshes your  
19 recollection as to when the affiliation agreement between  
20 Reading Broadcasting and Telemundo was terminated?

21 MR. HUTTON: Your Honor, I object. Mr. Cole's  
22 examination appears to be going beyond the October 1999  
23 letter that we are here to cover today.

24 JUDGE SIPPEL: Well, I'm going to use this as  
25 background. I think it's of enough interest to -- it won't

1 take long to establish.

2 MR. COLE: Your Honor, It's strictly for  
3 background, and I ordinarily might not even have gotten into  
4 it but you referred to the termination. I just wanted to  
5 make sure the record is clear as to the sequence of events.

6 THE WITNESS: I sent the letter on October 15,  
7 1999, but then Telemundo got a temporary restraining order,  
8 and the actual termination date ended up being, I believe,  
9 either December 31st or January 1st. But they ceased being  
10 or they ceased programming on the station at the end of the  
11 year.

12 MR. COLE: Thank you.

13 JUDGE SIPPEL: End of 1999?

14 THE WITNESS: Yes.

15 JUDGE SIPPEL: All right.

16 BY MR. COLE:

17 Q Well, going back to Enforcement Bureau No. 1, your  
18 letter to Ms. Gaulke from October of '98, I believe you  
19 testified that you recognized that Ms. Gaulke was going to  
20 use this in connection with a potential securities  
21 transaction?

22 A That is correct.

23 Q And I believe you used the term "full disclosure,"  
24 that you were under some compulsion or obligation to provide  
25 full disclosure to Ms. Gaulke concerning all the potential

1 problems regarding Reading Broadcasting.

2 Did I get that right?

3 A I'm sorry. That isn't what I said.

4 Q I'm sorry.

5 A She asked specifically for a letter, due diligence  
6 letter on two issues. One, the tower site; and two, my  
7 problems vis-a-vis relicensure at the FCC.

8 Q But in responding to her request for information  
9 about those two areas, did I understand you correctly that  
10 you felt yourself under an obligation to provide full  
11 disclosure of all information of potential consequence  
12 relating to those two areas?

13 A That is correct.

14 Q Now, at the bottom of page 10, top of page 11 of  
15 Enforcement Bureau No. 1, you advised Ms. Gaulke that you  
16 had "had reported the San Bernadino, Tolleson and Anacortes  
17 matters" to the FCC in three applications, and Mr. Shook  
18 just asked you about those.

19 Do you remember that?

20 A Yes.

21 Q And the three applications you listed were the  
22 Norwell application, the Reading application and the Twenty-  
23 Nine Palms application?

24 A Yes.

25 Q Why didn't you include the KCBI assignment

1 application?

2 A I think I was dealing with TV matters here rather  
3 than -- I can't give you a reason why I didn't put KCBI in  
4 there. That's a radio station. I think I was dealing with  
5 television stations.

6 Q And this, I think, may -- it certainly lapses over  
7 on some of the material that Mr. Shook was asking you about,  
8 but let me just ask this direct question.

9 Did you believe that the disclosures -- did you  
10 believe at the time of your letter to Ms. Gaulke October  
11 '98, that the disclosures which you had made to the  
12 Commission concerning San Bernadino, Mt. Baker and Tolleson,  
13 which you included the Norwell, Reading and Twenty-nine  
14 Palms applications made the FCC staff fully aware of those  
15 earlier proceedings?

16 MR. HUTTON: Objection; asked and answered.

17 JUDGE SIPPEL: No, it's cross-examination. I'm  
18 going to allow a little leeway there.

19 THE WITNESS: Both the disclosures and their  
20 personal knowledge, yes.

21 BY MR. COLE:

22 Q So you were relying over and above the disclosures  
23 in your application on some additional personal knowledge on  
24 the part of the staff?

25 A Well, if you look at the disclosures even that

1     were made --

2                 JUDGE SIPPEL: Take your time. Find what you --

3                 THE WITNESS: No, I'm looking at in terms of Mt.  
4 Baker's construction permit wasn't extended.

5                 JUDGE SIPPEL: What disclosure were you referring  
6 to?

7                 THE WITNESS: On page -- Adams Communication  
8 Corporation Exhibit 51, page 17. Just the San Bernadino  
9 disclosure itself where it clearly states that the general  
10 partner of SBB was held not to be the real party in interest  
11 to that application, that instead for the purposes of  
12 comparative analysis, SBB's integration and diversification  
13 credit Mr. Parker was deemed such.

14                 If you look at those, it's, I believe, pretty  
15 clear that nobody was trying to hide anything.

16                 BY MR. COLE:

17                 Q     You have the gray notebook in front of you, right?

18                 A     Yes.

19                 Q     Adams Phase 2 exhibits. I would like to direct  
20 your attention to Adams Exhibit 51, which is the Norwell  
21 application; Adams Exhibit 52, which is the Reading  
22 application; and Adams 53, which is the Twenty-nine Palms  
23 application, and ask you if you could please to direct the  
24 Court's attention to where in any of those applications you  
25 made the FCC staff fully aware of the Tolleson proceeding?

1 JUDGE SIPPEL: Let's go off the record while the  
2 witness is reviewing these documents.

3 (Pause off the record.)

4 BY MR. COLE:

5 Q And the question was, Mr. Parker, if you could  
6 direct our attention to where in any of those three  
7 applications you provided the Commission staff information  
8 concerning the Tolleson application?

9 A It doesn't appear to me to be there.

10 Q So the statement at the top of page 11 in your  
11 letter to Ms. Gaulke in which you refer to "the fact that I  
12 reported the San Bernadino, Tolleson and Anacortes matters  
13 in the three applications" is not entirely accurate, is it?

14 A It appears that to be the case; you're correct.

15 MR. COLE: Your Honor, I'm going to ask the  
16 witness some questions about Mt. Baker, the Mt. Baker  
17 descriptions and the San Bernadino descriptions as they  
18 appear in, I think, the Reading transfer application, Adams  
19 Exhibit 52, and also they appear in the Gaulke letter.

20 What I have done is, if I can approach or have Mr.  
21 Booth approach and distribute copies of a document I have  
22 prepared just as an aid to understanding cross-examination  
23 and to move things along a little more quickly. It consists  
24 of two pages.

25 The first page has two boxes on it. The top box

1 is the excerpt of the -- or the description of the Mt. Baker  
2 proceeding as it appeared in the Reading transfer of control  
3 application, Adams Exhibit No. 52, and the lower box is the  
4 description of the Mt. Baker proceeding as it appears in the  
5 Gaulke letter.

6 Page 2 consists of two boxes. The top box is a  
7 description of the Religious Broadcasting proceeding from  
8 the Reading 315 application, Adams 52. And the lower box is  
9 a description of the San Bernadino proceeding from the  
10 Gaulke letter which is before us now.

11 I do not intend to offer this as an exhibit. I  
12 just wanted to distribute it because from our experience  
13 with Ms. Swanson bouncing back and forth among various  
14 documents, I thought it might be useful just to distill the  
15 target of my cross-examination.

16 Obviously, the witness has all the remaining  
17 portions of the relevant exhibits if you prefer us to refer  
18 to them but I thought this might be useful for our purposes  
19 this afternoon.

20 MR. HUTTON: If it's not introduced, then I don't  
21 object. But it seems -- this area of cross-examination  
22 seems to be repetitive of the area covered by Mr. Shook.

23 JUDGE SIPPEL: Well -- go ahead.

24 MR. COLE: I'm sorry, Your Honor. I had not  
25 conferred with Mr. Shook about where he was going to go and

1 I tried to prepare as diligently as I could, and I'm going  
2 to try to cut down as much as possible so as to avoid  
3 duplication.

4 JUDGE SIPPEL: Well, again, you have a point, Mr.  
5 Hutton. But again for -- I just want to get through it and  
6 I want to be sure it gets through completely. Remember this  
7 witness isn't feeling too well, so let's move it along.

8 MR. COLE: All right.

9 JUDGE SIPPEL: I'm a little concerned about not  
10 putting this in the record. If you're going to ask  
11 questions about and you're going to ask the witness to look  
12 at it and to testify to it, it's more in the form of  
13 demonstrative evidence.

14 MR. COLE: Your Honor, the document itself is not  
15 intended as evidence. It really was just intended to  
16 facilitate cross-examination. I have titled everything so  
17 that it's clear where the source elsewhere in the record is,  
18 and it's not information that is coming in fresh to the  
19 record. It is simply, you know, focusing kind of a  
20 magnifying glass on particular aspects of the record.

21 JUDGE SIPPEL: All right. Well, it's helpful. I  
22 find it to be helpful. But all right, let's proceed with it  
23 as you are using it.

24 MR. COLE: Thank you, Your Honor.

25 BY MR. COLE:



1           Q     Mr. Parker, you have in front of you the document  
2     entitled "Aid to Understanding Cross-Examination of Micheal  
3     Parker Concerning Enforcement Bureau Exhibit No. 1,"  
4     correct?

5           A     Yes.

6           Q     All right. Let's look at the first page. The top  
7     part of that page contains a copy of the disclosure from the  
8     November 1991 Reading Broadcasting transfer application, the  
9     disclosure concerning Mt. Baker. And immediately below it  
10    on the same page is the disclosure concerning Mt. Baker from  
11    the Gaulke letter.

12                Now, as I understand your responses to Mr. Shook's  
13    questioning earlier this afternoon, I believe you confirmed  
14    the factual accuracy of each of the statements made in the  
15    Gaulke letter description of Mt. Baker.

16                Am I correct about that? You did not dispute any  
17    of those individual factual statements?

18                MR. HUTTON: Objection; mischaracterizes his  
19    testimony. He did introduce a clarification with respect to  
20    language from the Gaulke letter.

21                JUDGE SIPPEL: I'll sustain the objection.

22                MR. COLE: Fair enough.

23                BY MR. COLE:

24           Q     With the exception of the exception you noted  
25    concerning whether or not KORC had filed for a license, and

1 the terminology "license," am I correct that you confirmed  
2 the accuracy of these statements?

3 A That was correct.

4 Q On the Gaulke letter, you mentioned four lines  
5 down, and now we're in the lower box, four lines down in the  
6 lower box, the fact that the intended site was the peak of a  
7 mountain which was part of a national park area.

8 Do you see that?

9 A Yes.

10 Q What was the significance of that facts -- strike  
11 that.

12 Why did you deem it important to communicate that  
13 fact to Ms. Gaulke in this letter?

14 A I don't recall.

15 Q Now, in neither the Gaulke letter nor your  
16 disclosure to the Commission and in neither of the boxes on  
17 this page did you say anything at all about a ruling by the  
18 Canadian government concerning cable carriage of cable, did  
19 you?

20 A I don't think that was the nature of either the  
21 FCC's application or what Ann Gaulke was asking for.

22 Q But you recall in your testimony in June  
23 concerning the Mt. Baker situation you testified a number of  
24 times about the Canadian government ruling and its impact?

25 A Absolutely.

1           Q     But it's your testimony today that the Canadian  
2     government ruling was not relevant to either Ms. Gaulke or  
3     to the disclosures required in the Form 315 filed in  
4     November of '91?

5           A     That is correct.

6           Q     Now, as to the clarification that Mr. Hutton  
7     reminded me of, quite properly, in the lower box, that is,  
8     the Gaulke letter disclosure, you referred to -- that box  
9     contains the assertion that Mt. Baker filed for a license  
10    and you correct that to say they didn't file for a license.  
11    They may have filed for something else; is that --

12          A     That was correct.

13          Q     Is that an important distinction, in your view?

14          A     Not in -- not in -- not to Ann Gaulke in terms of  
15    the disclosure, but in terms of here it wasn't an accurate  
16    statement, so I pointed it out. Just like had I been aware  
17    of the Tolleson situation, it wasn't an accurate statement  
18    either.

19          Q     Let's look at the second page of this document,  
20    and before I go further let me pick up on some responses of  
21    yours in response to Mr. Shook's questioning earlier on.

22                 I believe you testified that the description of  
23    the San Bernadino proceeding from the Ann Gaulke letter,  
24    which I have excerpted into the lower box here, was not  
25    intended by you to be your description of the San Bernadino

1 case.

2 Do I understand that correctly?

3 A That's correct.

4 Q And I believe you testified that this is simply --  
5 strike that -- this is a characterization by you of  
6 allegations made against you by Mr. Shurberg.

7 Did I understand that correctly.

8 A I also pointed out that I did make some comments  
9 on those allegations during the presentation.

10 Q Okay. Well, let's look at the sentences because I  
11 think that if we take them one at a time, we may get  
12 somewhere.

13 The first sentence reads, "In the referenced San  
14 Bernadino, California proceeding to select the license of a  
15 television channel which had become vacant, the FCC Review  
16 Board upheld the finding by an administrative law judge that  
17 I was an undisclosed real party in interest to the  
18 application of San Bernadino Broadcasting Limited  
19 Partnership arising wholly from events which occurred in  
20 1983 and 1984," and then there is a citation, and you and  
21 Mr. Shook discussed that.

22 Did I read that correctly?

23 A Yes.

24 Q And Mr. Shook asked you whether that was correct  
25 and you said you weren't sure or you disagreed that that was

1 correct, I believe.

2 Could you --

3 A Well, I think it's further clarified on your own  
4 document. If you look at the disclosure I made, I was in  
5 fact a real party in interest for the purposes of  
6 comparative analysis for the SBB's integration and  
7 diversification credit.

8 Q And that disclosure --

9 A That's how I understand it.

10 Q That disclosure you are referring to is in the top  
11 box; is that correct?

12 A That is correct.

13 Q There is nothing about comparative analysis in the  
14 lower box, is there?

15 A That is correct.

16 Q There is nothing there. Okay, good.

17 And when you were responding to Mr. Shook about  
18 the factual accuracy of the first sentence which I just read  
19 to you from the lower box, you quoted from the review  
20 board's decision, which appears at Adams official notice  
21 documents, document No. 3, it's page 4090, paragraph 16, and  
22 you read the first sentence, which reads, "We affirm the  
23 ALJ's refusal to award integration credit to SBB. Its  
24 application was and remains a travesty and a hoax."

25 You read that, right?

1           A     Yes.

2           Q     And the next sentence reads, and please feel free  
3     to follow along with me if you care, "We need not repeat  
4     point by point all of the findings of fact which the ALJ had  
5     set out to support his conclusion that the progenitor and  
6     real party in interest of SBB is definitely not Van Osdale,  
7     she being merely a fig leaf for the true king of SBB, one  
8     Micheal Parker."

9                     Okay. Feel free to follow along with that, but I  
10    believe I read that correctly.

11           Now, my question to you is: In light of those two  
12    sentences taken together as well as the totality of the  
13    review board's opinion, how can you say in the first  
14    sentence of the Gaulke description of the San Bernadino  
15    proceeding is in any way inaccurate?

16           A     I don't agree with you.

17           Q     I understand that.

18           A     I believe that the accurate state is the one made  
19    to the Commission above. I believe that you are attempting  
20    to prove that that is the case. But clearly, if you look at  
21    it from a disclosure standpoint, the issue of real party in  
22    interest is outlined to the Commission above.

23                     So even if you were right, the issue is still  
24    there.

25           MR. COLE: Your Honor, I request the witness to

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1 answer my question. My question was, how can you say, in  
2 light of the review board language which I have just read,  
3 that the first sentence in the description of San Bernadino  
4 in the Gaulke letter is inaccurate in any respect?

5 MR. HUTTON: Objection; asked and answered.

6 JUDGE SIPPEL: Well, I'm going to sustain the  
7 objection. It's getting into argument.

8 BY MR. COLE:

9 Q Now, why didn't you mention anything about the  
10 comparative analysis in your letter to Ms. Gaulke?

11 A Again, I believe that I outlined to Ms. Gaulke  
12 your position. I think I testified to that. And I think it  
13 is your position. And I predicted that in fact these same  
14 issues would be transferred from Hartford to here, and  
15 that's what happened. And so I don't see any inaccuracy at  
16 all in what I reported to her.

17 Q You see no inaccuracy in what you reported to her?

18 A In terms of what your position is.

19 Q You've testified both day and earlier in the  
20 proceeding that you believe that the fact of an \$850,000  
21 settlement payment approval was meaningful as far as the  
22 resolution of the real party in interest in your mind.

23 Do you recall that testimony?

24 A I don't think that was what my testimony was. I  
25 think I said that the -- I was under the belief that the

1     \$850,000 payment could not be made without those issues  
2     being resolved. I have since found out that that was not  
3     the case. I believe that was my testimony.

4           Q     And did you believe that those issues could not be  
5     resolved -- strike that.

6                     Did you believe that the payment could not be made  
7     without resolution of the issues at the time of the Gaulke  
8     letter, in October of 1998?

9           A     Again, the Gaulke letter, in 1998, was not my  
10    position. If you again read page 9 --

11                    MR. COLE: Your Honor, a simple yes or no, was  
12    that his understanding in October of 1998. I'm trying not  
13    to drag this out any longer than I have to.

14                    JUDGE SIPPEL: I understand. Can you answer that  
15    question more directly, Mr. Parker?

16                    THE WITNESS: Okay. What was the question again?

17                    BY MR. COLE:

18           Q     Was your understanding concerning the need to  
19    resolve favorably the real party in interest issue prior to  
20    approval of a settlement, was that your understanding in  
21    October of 1998?

22           A     I don't think I focused on it. I believe that in  
23    October of 1998, it was the same as it is -- as it was  
24    previously.

25           Q     So in October 1998, since the settlement had been



1 approved, it was your understanding that there were not  
2 issues outstanding with respect to --

3 A That was my understanding, yes.

4 Q Why didn't you mention that to Ms. Gaulke?

5 A Again, I outlined to Ms. Gaulke what I believed  
6 Adams Communications' position would be.

7 Q But you also testified, did you not, that you  
8 added your own thoughts?

9 A Yes.

10 Q For example, I don't believe either Adams or  
11 Shurberg said that you testified at length before the FCC  
12 and nowhere were you found to have made misrepresentations  
13 or lack of candor before the agency?

14 A That is correct.

15 Q That's your thought, right?

16 A Yes.

17 Q Why didn't you also include some reference to what  
18 you apparently believe to be a completely favorable  
19 disposition of the Religious Broadcasting case?

20 A I clearly did not focus on that issue as being  
21 submitted.

22 Q Now, let's look at the Gaulke letter, page 10,  
23 with respect to the description of the Tolleson, Arizona  
24 case. That's the first full paragraph on page 10.

25 Do you see where we are at?

1           A     Yes.

2           Q     As I read that description, you were a consultant  
3 to one of the competing applicants in a comparative  
4 television case involving Tolleson, Arizona; is that right?

5           A     Well, I think I described the extent the applicant  
6 came up, met with my staff. We developed with her a budget,  
7 and I had lunch with her on one occasion. That was my -- I  
8 wouldn't want to go to the extent of saying I was her  
9 consultant. I really had no idea about any of the things  
10 involved in this case.

11          Q     So it's not accurate to say that your consulting  
12 activities on behalf of an applicant for a new commercial  
13 television station were found by the FCC administrative law  
14 judge to be too pervasive for the Commission to give the  
15 applicant any competitive credit under the Commission's then  
16 existing criteria for judging such applicants? That's an  
17 accurate statement?

18          A     I have no idea.

19          Q     Well, you signed this letter, didn't you?

20          A     Oh. Well, whatever is here. I mean, if you were  
21 reading from the letter, I'm sorry.

22          Q     I was reading the first sentence of the first full  
23 paragraph on page 10 of the Gaulke letter.

24          A     That's how the judge ruled, yes.

25          Q     That is how the judge ruled.

1           Am I correct that the result in the Tolleson case  
2       was essentially the same as the result which you perceived  
3       to be the case in San Bernadino; that is, the applicant for  
4       whom you had provided some consulting services was denied  
5       comparative credit?

6           A     I don't believe that I was ever named a real party  
7       in interest in Tolleson. So no, you are not correct.

8           Q     And the difference is? Would you explain that,  
9       please?

10          A     In San Bernadino, I was much more involved in the  
11       application than Tolleson.

12          Q     Did you draft the letter to Ms. Gaulke?

13          A     No, I did not.

14          Q     Who did?

15          A     I am not certain. I believe two or three people.  
16       I believe it was the final -- final draft went through my  
17       FCC counsel.

18          Q     And who was that?

19          A     Mr. Howard Topel.

20          Q     And who were the other individuals who were  
21       involved in the process of drafting this?

22          A     I am not certain. It would have been members of  
23       my staff, but I am not certain which individuals drafted it.

24          Q     Did you provide the information about the  
25       proceedings which are described in the letter to Ms. Gaulke?

1           A     Actually, I think most of the descriptions were  
2     taken out of a previous securities disclosure document that  
3     I had sent out to Reading Broadcasting. So most of this  
4     language was extracted from that.

5           Q     When was that earlier securities document  
6     prepared?

7           A     I'm not certain of the exact date, but it would  
8     have been relatively new.

9           JUDGE SIPPEL: What does that mean, "relatively  
10    new"?

11          THE WITNESS: Within -- let's see, I don't know if  
12    it was September - August, somewhere in there. What I am  
13    saying is a few months before this document.

14          JUDGE SIPPEL: The same year though?

15          THE WITNESS: I believe so; yes, sir.

16          (Pause.)

17          BY MR. COLE:

18          Q     Mr. Parker, one brief line of questions and I  
19    think we are over for the afternoon.

20                If you could turn to Adams Exhibit 51, page 11.  
21    This is the Norwell application, and we're looking at  
22    paragraph seven which I believe you and Mr. Shook focused on  
23    earlier on this afternoon. And this is the question --

24          JUDGE SIPPEL: What page are you on?

25          MR. COLE: I'm sorry. It's Exhibit 51, page 11;

1 that is, Adams pagination 11, if you look at the tab in the  
2 lower right-hand corner. Across the top it bears the legend  
3 "Transferee's legal qualifications".

4 Your Honor, if Mr. Booth would --

5 THE WITNESS: I'm on there. I'm on the page.

6 BY MR. COLE:

7 Q Why don't you look at -- strike that.

8 Why don't you look at question number seven,  
9 please, which I believe was the one that you and Mr. Shook  
10 looked at earlier on, and I want to ask you why it is that  
11 you identified in response to this question the San  
12 Bernadino case, but not the Tolleson case?

13 A I was never a party to the Tolleson case.

14 Q But you were a party to the San Bernadino case?

15 A No, but I believe there, there was a finding that  
16 was reported.

17 JUDGE SIPPEL: You okay?

18 THE WITNESS: If we could take a break.

19 MR. COLE: In fact, Your Honor, I'm through. I  
20 have no further questions.

21 JUDGE SIPPEL: Okay. Do you want to redirect

22 MR. HUTTON: Yes.

23 JUDGE SIPPEL: Let's take 10 minutes then.

24 MR. HUTTON: Okay.

25 JUDGE SIPPEL: It's 20 minutes of four; we will

1       come back at 10 minutes of four.

2               (Whereupon, a recess was taken.)

3               JUDGE SIPPEL: We're back on the record.

4               Mr. Hutton?

5               MR. HUTTON: Thank you.

6                       REDIRECT EXAMINATION

7               BY MR. HUTTON:

8               Q       Mr. Parker, I would like you to refer to the  
9       Enforcement Bureau Exhibit 1, which is the Ann Gaulke  
10      letter, particularly pages 9 and 10.

11               Can you explain for me why the letter doesn't  
12      present Reading's prospective defenses to the allegations by  
13      Shurberg and/or Adams Communications?

14               A       Well, again, I -- two reasons. I think I got into  
15      one before, and that was the securities nature, you tend to  
16      outline the negatives and go easy on the positives in a  
17      securities document.

18               But beyond that, knowing that I was under a  
19      relicensure challenge, I have always been very careful not  
20      to provide my opposition with a road map in terms of to what  
21      defenses I felt there are, so in both cases.

22               But clearly, the Gaulke letter was a securities  
23      type letter and I would have only have primarily outlined  
24      the negative aspects.

25               Q       And with respect to Mr. Cole's questions about why

1 the settlement of the San Bernadino case was not mentioned  
2 in the paragraph dealing with San Bernadino at the bottom of  
3 page 9 and the top of page 10, I believe you indicated that  
4 you didn't focus on the San Bernadino settlement to be  
5 significant.

6 I would like you to explain what you meant by  
7 that?

8 A Well, okay. I guess in terms of these three  
9 paragraphs, again, I was outlining the allegations by Mr.  
10 Shurberg, and that would have been a defense, but I wasn't  
11 trying to respond with defenses case by case. So in terms  
12 of this letter, it wasn't significant.

13 Clearly, it is significant in terms of the overall  
14 look at the case.

15 Q And I believe you testified that the last full  
16 paragraph on page 9 is a short introductory paragraph about  
17 the three cases that Shurberg raised, followed by three  
18 fuller explanations, three fuller paragraphs explaining each  
19 instance starting with San Bernadino, then Tolleson, then  
20 Anacortes; is that right?

21 A That is correct.

22 Q Now, referring to the opening phrase in the next  
23 paragraph, which reads, "Since the three incidents of  
24 alleged misconduct occurred..."

25 Is the use of that phrase consistent or

1 inconsistent with your interpretation of this letter?

2 A I believe it's very consistent.

3 Q In what sense?

4 A Well, in paragraph -- the last full paragraph on  
5 page 9, I outline the three issues raised by Shurberg. In  
6 each of the next three paragraphs, I handled one of those  
7 issues, and then on the last paragraph on page 10, I started  
8 out that, "Since the three incidents of alleged misconduct,"  
9 which clearly refers back to the three issues that we have  
10 discussed, the last four paragraphs.

11 MR. HUTTON: Okay, I have nothing further.

12 JUDGE SIPPEL: Does that raise anything for you,  
13 Mr. Shook?

14 MR. SHOOK: It does not.

15 JUDGE SIPPEL: Mr. Cole, do you --

16 MR. COLE: I have a couple quick questions.

17 RECROSS-EXAMINATION

18 BY MR. COLE:

19 Q Mr. Parker, in response to questions from Mr.  
20 Hutton just right now about your disclosures on page 9 and  
21 10 of the Gaulke letter, you emphasized again these are  
22 allegations advanced by Mr. Shurberg which you felt the need  
23 to address and disclose to Ms. Gaulke.

24 Did Mr. Shurberg raise any allegations about the  
25 Dallas application?



1           A     I don't really recall. I would have to go back  
2     and -- I would have to go back and look at it.

3           Q     If Mr. Shurberg did raise allegations about the  
4     Dallas application, would you have felt the need to disclose  
5     those to Ms. Gaulke in this letter?

6           A     Well, if he did, I should have. But I have  
7     already found out that a couple of things in this letter I  
8     should have double checked. So again, I outlined those  
9     issues which I understood were significant. If he raised  
10    some issues, and I assume by the question he did, they  
11    should have covered it, and they didn't.

12          Q     Who should have covered it?

13          A     Well, as I stated, I had this letter prepared for  
14    me, and it was finally done by Mr. Topel in the end, I mean,  
15    the final review of it. But I wouldn't have focused on KCBI  
16    and neither would the in terms of we were talking  
17    television. That's a radio station. I'm sure it slipped  
18    through the cracks.

19          Q     Are The FCC standards for character qualifications  
20    of radio station licensees different from those of  
21    television licensees, in your experience as a broadcaster  
22    since 1981?

23          A     Like I said, if he raised it, I should have gone  
24    into it. I didn't.

25                No, they are not different.

1 MR. COLE: I have nothing further, Your Honor.

2 JUDGE SIPPEL: That's it?

3 MR. HUTTON: Nothing. Nothing.

4 JUDGE SIPPEL: I have no questions.

5 Mr. Parker, I think I can confidently say that you  
6 are released as a witness.

7 THE WITNESS: Thank you, Your Honor.

8 JUDGE SIPPEL: Please save your voice.

9 (Witness excused.)

10 JUDGE SIPPEL: Can we move right in and get this  
11 stipulation done?

12 MR. COLE: Sure. Yes, Your Honor.

13 Your Honor, I am having Mr. Booth provide the  
14 reporter an original and one copy and to Your Honor and to  
15 all the parties a copy of a document which is four pages in  
16 length. Bears the caption of this case and the title  
17 "Stipulation concerning the Testimony of Andree Ellis and  
18 Kenneth Scheibel." It is signed on the fourth page --  
19 strike that.

20 It bears signature blocks on the fourth page of  
21 counsel for all parties, the Bureau, Reading Broadcasting  
22 and Adams Community. I signed it in each case with the  
23 consent of counsel because I had this particular document on  
24 my machine in the office, and it was most convenient, and  
25 they agreed to let me do that. And this has been a

1 stipulation which all have participated in the drafting of,  
2 and I believe everyone is satisfied with it.

3 JUDGE SIPPEL: The one I have almost looks like  
4 the original. Do I have the original?

5 MR. COLE: You would not have the original unless  
6 it's got blue ink.

7 JUDGE SIPPEL: No, it doesn't have blue ink.

8 MR. COLE: We can ask the reporter --

9 JUDGE SIPPEL: It's a nice clean copy.

10 THE COURT REPORTER: Do you have the original?

11 JUDGE SIPPEL: No, you have got it. You should  
12 have it.

13 All right, we will mark this for identification.

14 MR. COLE: That would be fine. And unfortunately,  
15 you probably have better records than I as to what Adams  
16 last number is, but I'm happy to make it an Adams number. I  
17 think we are at 87, but I'm not sure.

18 MR. SHOOK: We could certainly make it an  
19 Enforcement Bureau number because that's much easier to  
20 figure out.

21 MR. COLE: That's fine.

22 JUDGE SIPPEL: Why don't we do that.

23 MR. COLE: That's fine.

24 JUDGE SIPPEL: We will identify this as  
25 Enforcement No. 2; is that correct?

1 MR. SHOOK: Yes, sir.

2 MR. COLE: Yes.

3 JUDGE SIPPEL: And it will be received in evidence  
4 as Enforcement No. 2.

5 (The document referred to was  
6 marked for identification as  
7 Enforcement Bureau Exhibit No.  
8 2, and was received in  
9 evidence.)

10 JUDGE SIPPEL: Okay. Is that it then?

11 MR. COLE: That's it from our perspective.

12 JUDGE SIPPEL: Okay. Well, we are in recess, and  
13 you have the dates on the -- I have given the dates on the  
14 proposed findings and the dates of the pleadings cycle and  
15 the pending motion to add issues. So we are in recess.  
16 Everybody enjoy the rest of the summer.

17 MR. COLE: Thank you, Your Honor.

18 MR. SHOOK: Just a final point to remember that I  
19 am going to be digging up that letter that was referenced  
20 concerning Norwell and have a very brief stipulation  
21 prepared, and then have that submitted.

22 JUDGE SIPPEL: That can come in as a motion.

23 MR. SHOOK: And I would propose to identify it as  
24 Enforcement Bureau Exhibit No. 3.

25 JUDGE SIPPEL: That would be most appropriate.

1 Very well. Thank you very much.

2 MR. HUTTON: Thank you, Your Honor.

3 MR. COLE: Thank you, Your Honor.

4 (Whereupon, at 4:00 p.m., the hearing in the  
5 above-entitled matter was adjourned.)

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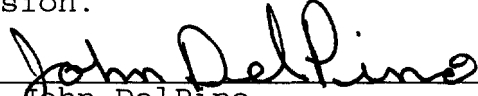
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**HEARING DATE:** July 25, 2000

**LOCATION:** Washington, DC

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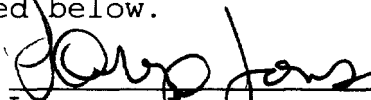
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